



National Aeronautics and  
Space Administration  
Washington, DC 20546

# Procurement Notice

**PN 97-85**  
**July 22, 2003**

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## **GOVERNMENT-OWNED CONTRACTOR-OPERATED VEHICLE FLEET MANAGEMENT AND REPORTING**

**BACKGROUND:** In Executive Order 13149, "Greening the Government through Federal Fleet and Transportation Efficiency", section 505 requires Federal agencies to ensure that all Government-owned contractor-operated vehicles comply with all applicable goals and other requirements of the order. Section 302(c) requires agencies to collect data and report on performance in meeting the goals of the order, in accordance with requirements and guidance from the Department of Energy. In July 2000, the Department of Energy prepared the Guidance Document for Federal Agencies, as required by Executive Order 13149. Section 2-3 requires agencies to report data on Government owned motor vehicle usage, using DOE's Federal Automotive Statistical Tool (FAST). FAST is accessed through <http://fastweb.inel.gov/>. Information required for FAST reporting must be obtained from contractors who have been authorized to obtain vehicles and related services pursuant to FAR paragraph 11.101(b)(1) and the new NFS 1811.101(b)(1) added under this interim rule.

**ACQUISITIONS AFFECTED BY CHANGES:** Contracts entailing operation of Government-owned vehicles.

**ACTION REQUIRED BY CONTRACTING OFFICERS:** Insert the clause at 1852.223-76, Federal Automotive Statistical Tool Reporting, in solicitations and contracts requiring contractor operation of Government-owned or -leased motor vehicles, including, but not limited to, interagency fleet management system (IFMS) vehicles authorized in accordance with FAR 51.2.

**CLAUSE CHANGES:** Clause 1852.223-76, Federal Automotive Statistical Tool Reporting, is added.

**PARTS AFFECTED:** Changes are made in Parts 1801, 1811, 1823, 1851, and 1852.

**REPLACEMENT PAGES:** You may use the enclosed pages to replace 1:3, 1:4, 1:5, 1:6, Part 1811, Part 1823, Part 1851, 52:1, 52:2, 52:3, 52:4, 52:30.3, 52:30.4, 52:30.5, 52-93, and 52-94 of the NFS.

**TYPE OF RULE AND PUBLICATION DATE:** The PN was published as an interim rule in the Federal Register (68 FR 43333 - 43334) on July 22, 2003.

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Enclosures

<b>NFS Segment</b>	<b>OMB Control Number</b>
1804.470	2700-0098
1804.74	2700-0097
1819	2700-0073
1819.72	2700-0078
1823.271	2700-0106
1827	2700-0052
1831	2700-0080
1843	2700-0054
1843.71	2700-0094
NF 533	2700-0003
NF 1018	2700-0017

(2) *Solicitations and contracts.* Various requirements in a solicitation or contract, generally in the statement of work, are not tied to specific paragraphs cleared in paragraph (1) of this section, yet require information collection or recordkeeping. The following OMB control numbers apply to these requirements: 2700-0086 (acquisitions up to \$25,000), 2700-0087 (solicitations that may result in bids or proposals not exceeding \$500,000), 2700-0085 (solicitations that may result in bids or proposals exceeding \$500,000), 2700-0088 (contracts not exceeding \$500,000), and 2700-0089 (contracts exceeding \$500,000).

### **Subpart 1801.2--Administration**

#### **1801.270 Amendment of the NFS.**

(a) The NFS is amended by publishing changes in the Federal Register. These changes are then incorporated into the NASA-maintained Internet version of the NFS through Procurement Notices (PNs). PNs are numbered consecutively, prefixed by the last two digits of the calendar year of issuance of the current edition of the NFS.

(b) Compliance with a revision to the NFS shall be in accordance with the PN containing the revision. Unless otherwise stated, solicitations that have been issued, and bilateral agreements for which negotiations have been completed, before the receipt of new or revised contract clauses need not be amended to include the new or revised clauses if including them would unduly delay the acquisition.

#### **1801.271 NASA procedures for FAR and NFS changes.**

(a) Informal suggestions for improving the NFS, including correction of errors, should be directed to the Headquarters Office of Procurement (Code HK).

(b)(1) Formal requests for changes to the FAR or the NFS should be written and contain (i) a description of the problem the suggested revision is designed to cure, (ii) the revision in the form of a marked-up copy of the current FAR or NFS language or the text of any additional language, (iii) the consequences of making no change and the benefits to be expected from a change, and (iv) any other information necessary for understanding the situation, such as relationship between FAR and NFS coverage, legal opinions, coordination with other offices, and existing agreements.

(2) Formal requests for FAR and NFS changes should be sent to Code HK. Requests from Headquarters offices should originate at the division level or higher, while installation requests should be signed at the procurement officer or higher level.

**1801.272 Procurement Information Circulars.**

(a) The Procurement Information Circular (PIC) is used for internal dissemination of procurement-related information and directives not suitable for inclusion in the NFS. Code HK is responsible for issuing PICs.

(b) PICs are numbered on a calendar year basis, beginning with number 1, prefixed by the last two digits of the year.

**Subpart 1801.3--Agency Acquisition Regulations**

**1801.301 Policy.**

(a)(2) Heads of NASA field installations may prescribe policies and procedures that do not have a significant effect beyond the internal operating procedures of their installations. All other policies, procedures, and solicitation and contract provisions and clauses must be forwarded to the Headquarters Office of Procurement (Code HK) for approval in accordance with 1801.271(b).

(b)(i) 41 U.S.C. 418b requires publication of NFS changes for public comment where there will be a significant effect beyond the internal operating procedures of the agency or a significant cost or administrative impact on contractors or offerors. However, it does not define "significant effect beyond the internal operating procedures" or "significant cost or administrative impact." Examples of policies or procedures that fall in either of these categories are:

(A) A contract clause requiring contractors to take precautions to avoid injury to Florida manatees, which have been designated as an endangered species, has a significant cost impact for contractors who must obtain protective devices for boat propellers and take other safety actions.

(B) A contract clause requiring contractors to follow the Government's holiday schedule, thereby disallowing premium pay for work on contractor-designated holidays, will have an effect outside the internal operating procedures of the agency.

(C) A contract clause requiring contractors to segregate costs by appropriations will affect the contractor's internal accounting system and have a significant impact.

(D) Requiring contractor compliance with NASA's Space Transportation System Personnel Reliability Program will have an effect outside the internal operating procedures of the agency.

(ii) In contrast, the following would not have to be publicized for public comment:

(A) Security procedures for identifying and badging contractor personnel to obtain access at a NASA installation.

(B) A one-time requirement in a construction contract for the contractor to develop a placement plan and for inspection prior to any concrete being placed. (This is part of the specification or statement of work.)

(C) A policy that requires the NASA installation to maintain copies of unsuccessful offers.

**1801.303 Publication and codification.**

(a) Part, subpart, and section numbers 70 through 89 are reserved for NFS supplementary material for which there is no FAR counterpart.

### **Subpart 1801.4--Deviations from the FAR**

#### **1801.400 Scope of subpart.**

This subpart prescribes the policies and procedures for authorizing deviations from the FAR and the NFS.

#### **1801.471 Procedure for requesting deviations.**

(a) Requests for authority to deviate from the FAR or the NFS shall be submitted by the Procurement Officer to the Headquarters Office of Procurement (Code HS).

(b) Each request for a deviation shall contain, as a minimum --

- (1) Identification of the FAR or the NFS requirement from which a deviation is sought;
- (2) A full description of the deviation, the circumstances in which it will be used, and the specific contract action(s) to which it applies;
- (3) A description of its intended effect;
- (4) A statement as to whether the deviation has been requested previously and, if so, the circumstances of the previous request;
- (5) Identification of the contractor(s) and the contract(s) affected, including dollar value(s);
- (6) Detailed reasons supporting the request, including any pertinent background information; and
- (7) A copy of counsel's concurrence or comments.

(c) In addition to the information required by 1801.471(b), requests for individual deviations from FAR cost principles under FAR 31.101 should include a copy of the contractor's request for cost allowance.

### **Subpart 1801.6--Career Development, Contracting Authority, and Responsibilities**

#### **1801.601 General.**

The authority to contract for authorized supplies and services is delegated to the Assistant Administrator for Procurement and installation officials by NPD 5101.32.

#### **1801.602-3 Ratification of unauthorized commitments.**

(b) *Policy.* Individuals making unauthorized commitments may be subject to disciplinary action, and the issue may be referred to the Office of Inspector General.

(c)(7) The authority in FAR 1.602-3 may be exercised only when --

(A) The Government employee who made the unauthorized commitment, or his/her supervisor, if appropriate, initiates a procurement request in accordance with 1804.7301.

(B) The procurement request and/or accompanying documentation identifies the individual who made the unauthorized commitment, and includes a statement signed by the individual that explains why normal acquisition procedures were not followed, explains why the firm was selected, lists other sources considered, describes the work, and estimates or states the agreed price. If the Government representative who made the unauthorized commitment is no longer available, appropriate program personnel shall provide the information described in this paragraph.

(C) The procurement request is submitted through the director of the cognizant program office at the contracting activity, or comparable official. In the procurement request, the director shall describe measures taken to prevent the recurrence of the unauthorized commitment.

**1801.603 Selection, appointment, and termination of appointment.**

**1801.603-2 Selection.**

Normally, only GS-1102 and -1105 personnel with the proper training and experience may be appointed contracting officers and only when a valid organizational need can be demonstrated.

**1801.670 Delegations to contracting officer's technical representatives (COTRs).**

A COTR delegation may be made only by the contracting officer cognizant of that contract at the time the delegation is made. If the cognizant contracting officer is absent, the delegation letter may be signed by a warranted contracting officer at any level above the cognizant contracting officer. An individual COTR may have only the duties specifically identified in a written delegation to him or her by name (i.e., COTR duties may not be delegated to a position) and has no authority to exceed them. COTRs should be informed that they may be personally liable for unauthorized commitments. Contracting officer authority to sign or authorize contractual instruments shall not be delegated through a COTR designation or by any means other than a contracting officer warrant.

**Subpart 1801.7--Determinations and Findings**

**1801.707 Signatory authority.**

Signatory authority for determinations and findings (D&Fs) is specified in the FAR or the NFS text for the associated subject matter. The Administrator may make any of the D&Fs that may be made by the Assistant Administrator for Procurement or by a contracting officer.

**1801.770 Legal review.**

Each D&F, including class D&Fs, shall be reviewed by counsel for form and legality before signature by the approving authority.

**PART 1811**

**DESCRIBING AGENCY NEEDS**

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**PART 1811**

**DESCRIBING AGENCY NEEDS**

**1811.002 Policy.**

(b) Implementation of the Metric Conversion Act of 1975, as amended, must be in accordance with NPD 8010.2B, Use of the Metric System of Measurements in NASA Programs.

**Subpart 1811.1--Selecting and Developing Requirements Documents**

**1811.101 Order of precedence for requirements documents.**

(a) Safeguards to ensure safety, security, and environmental protection must be included, as applicable, in requirements documents.

(b)(1) Requirements for the use of energy efficient motor vehicles will be established in accordance with NPG 6200.1, "NASA Transportation and General Traffic Management".

(b)(2) Requirements for the use of environmentally preferable products will be established in accordance with NPG 8830.1, "Affirmative Procurement Plan for Environmentally Preferable Products." Requirements for the use of energy and water efficient products and the use of renewable energy technology will be established in accordance with NPG 8570.1, "Energy Conservation Technologies and Practices."

**1811.107 Solicitation provisions.**

(b) NASA uses the categorical method to report its use of voluntary consensus standards. Therefore, use of the provisions at 52.211-7 is not required. However, contracting officers must include in draft RFPs (DRFPs) the information required by 1815.201(c)(6)(A).

**Subpart 1811.4--Delivery or Performance Schedules**

**1811.403 Supplies or services.**

(a)(3) Contract delivery or performance schedules must not be expressed in terms of a notice of award. A notice of award as a specific document, separate from the award document itself, is not a contractual document and shall not be used as a reference point for contract performance. See 1814.408 for additional information on notices of award.

**1811.403-70 Packaging, handling, and transportation.**

(a) NPG 6000.1E, "Requirements for Packaging, Handling, and Transportation for Aeronautical and Space Systems, Equipment, and Associated Components" provides guidance for shipment of certain NASA items.

(b) Contracting officers, with the advice of the requiring activity and the Center Transportation Officer, must include a designation of each deliverable item, or groupings of deliverable items, as Class I, II, III, or IV for the purposes of contractor compliance with the NPG.

**1811.404 Contract clauses.**

(a)(2) FAR 52.211-8, Time of Delivery, Alternates II and III, must not be used in NASA contracts.

(3) FAR 52.211-9, Desired and Required Time of Delivery, Alternates II and III, must not be used in NASA contracts.

**1811.404-70 NASA contract clauses.**

The clause at 1852.211-70, Packaging, Handling, and Transportation, must be included in solicitations for contracts for deliverable items, including software, designated as Class I (mission essential), Class II (delicate or sensitive), or Class III (requires special handling or monitoring).

**Subpart 1811.5--Liquidated Damages**

**1811.501 Policy.**

(d) The procurement officer must forward recommendations concerning remission of liquidated damages to the Headquarters Office of Procurement (Code HS).

**Subpart 1811.6--Priorities and Allocations**

**1811.602 General.**

(c) The Department of Defense is the "Delegate Agency" for NASA. The Headquarters Office of Procurement (Code HK) must coordinate with DOD, as necessary, to ensure that any DOD requirements are met.





**1811.603 Procedures.**

(e)(i) Rated orders may be used by NASA only as provided in Section 700.17 of the DPAS (15 CFR 700.17) and subject to the limitations provided in Section 700.18 of the DPAS (15 CFR 700.18). Priority ratings are assigned on individual contracts and purchase orders by the contracting officer.

(ii) NASA rated orders may only be assigned a DO rating, unless NASA has obtained a DX rating from the Department of Defense.

(iii) The following program identification symbols may be used on NASA rated contracts and purchase orders for equipment and services that support authorized programs (see Schedule I of the DPAS):

- A1 - Aircraft
- A2 - Missiles
- A3 - Ships
- A5 - Weapons
- A6 - Ammunition
- A7 - Electronic and Communications Equipment
- B1 - Military Building Supplies
- B8 - Production Equipment (For Contractor's Account)
- B9 - Production Equipment (Government-Owned)
- C2 - Construction
- C3 - Maintenance, Repair, and Operating Supplies for Facilities
- C9 - Miscellaneous/Other

(g) Installation requests for assistance shall be directed to the Headquarters Office of Procurement (Code HK).

**PART 1823**  
**ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY**  
**TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

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**PART 1823**  
**ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY**  
**TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

### **Subpart 1823.2--Energy and Water Efficiency and Renewable Energy**

#### **1823.203 Energy-efficient products.**

Responsibility, policy and procedures for NASA's implementation of FAR 23.203, including cost-effectiveness, are described in NPG 8570.1, "Energy Efficiency and Water Conservation Technologies and Practices."

#### **1823.270 Federal fleet and transportation efficiency.**

Responsibility, policy and procedures for NASA's implementation of Executive Order 13149, "Greening the Government through Federal Fleet and Transportation Efficiency", including cost-effectiveness, are described in NPG 6200.1, "NASA Transportation and General Traffic Management."

1823.271 NASA Solicitation provision and contract clause.

Insert the clause at 1852.223-76, Federal Automotive Statistical Tool Reporting, in solicitations and contracts requiring contractor operation of Government-owned or -leased motor vehicles, including, but not limited to, interagency fleet management system (IFMS) vehicles authorized in accordance with FAR 51.2.

### **Subpart 1823.3--Hazardous Material Identification and Material Safety Data**

#### **1823.370 Acquisition of potentially hazardous items from or through another Government agency.**

When acquiring supplies or services from or through another Government agency (e.g., see FAR Part 8 and FAR Subpart 17.5), NASA shall request that agency to furnish NASA the data required by FAR Subpart 23.3.

### **Subpart 1823.4--Use of Recovered Materials**

#### **1823.404 Agency affirmative procurement programs.**

NASA's affirmative procurement program is described in the Affirmative Procurement Plan for Environmentally Preferable Products (NPG 8830.1).

### **Subpart 1823.5--Drug-Free Workplace**

#### **1823.570 Drug-and alcohol-free workforce.**

##### **1823.570-1 Scope.**

Sections 1823.570 to 1823.570-4 set forth NASA requirements for mandatory drug and alcohol testing of certain contractor personnel under section 203, National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473, 72 Stat. 429; and Civil Space Employee Testing Act of 1991, Public Law 102-195, sec. 21, 105 Stat. 1616 to 1619.

**1823.570-2 Definitions.**

As used in this subpart **employee** and **controlled substance** are as defined in FAR 23.503. The use of a controlled substance in accordance with the terms of a valid prescription, or other uses authorized by law shall not be subject to the requirements of 1823.570 to 1823.570-4 and the clause at 1852.223-74.

**"Employee in a sensitive position"** means a contractor or subcontractor employee who has been granted access to classified information; a contractor or subcontractor employee in other positions that the contractor or subcontractor determines could reasonably be expected to affect safety, security, National security, or functions other than the foregoing requiring a high degree of trust and confidence; and includes any employee performing in a position designated "mission critical" pursuant to the clause at 1852.246-70. The term also includes any applicant who is interviewed for a position described in this paragraph.

**"Use, in violation of applicable law or Federal regulation, of alcohol"** includes having, while on duty or during a preemployment interview, an alcohol concentration of 0.04 percent by weight or more in the blood, as measured by chemical test of the individual's breath or blood. An individual's refusal to submit to such test is presumptive evidence of use, in violation of applicable law or Federal regulation, of alcohol.

**1823.570-3 Contract clause.**

The contracting officer shall insert the clause at 1852.223-74, "Drug- and Alcohol-Free Workforce," in all solicitations and contracts containing the clause at 1852.246-70, "Mission Critical Space Systems Personnel Reliability Program," and in other solicitations and contracts exceeding \$5 million in which work is performed by an employee in a sensitive position. However, the contracting officer shall not insert the clause at 1852.223-74 in solicitations and contracts for commercial items (see FAR Parts 2 and 12).

**1823.570-4 Suspension of payments, termination of contract, and debarment and suspension actions.**

The contracting officer shall comply with the procedures of FAR 23.506 regarding the suspension of contract payments, the termination of the contract for default, and debarment and suspension of a contractor relative to failure to comply with the clause at 1852.223-74. Causes for suspension of contract payments, termination of the contract for default, and debarment and suspension of the contractor are the following:

(a) The contractor fails to comply with paragraph (b), (c), or (d) of the clause at 1852.223-74; or

(b) Such a number of contractor employees in sensitive positions having been convicted of violations of criminal drug statutes or substantial evidence of drug or alcohol abuse or misuse occurring in the workplace, as to indicate that the contractor has failed to make a good faith effort to provide a drug- and alcohol-free workforce.

**Subpart 1823.7--Contracting for Environmentally Preferable Products and Services**

**1823.703 Policy.**

Responsibility, policy and procedures for NASA's implementation of FAR 23.703 is described in NPG 8570.1, "Energy Efficiency and Water Conservation Technologies and Practices".

### **Subpart 1823.70--Safety and Health**

#### **1823.7001 NASA solicitation provisions and contract clauses.**

(a) The clause at 1852.223-70, Safety and Health, shall be included in all solicitations and contracts when one or more of the following conditions exist:

(1) The work will be conducted completely or partly on premises owned or controlled by the Government.

(2) The work includes construction, alteration, or repair of facilities in excess of the simplified acquisition threshold.

(3) The work, regardless of place of performance, involves hazards that could endanger the public, astronauts and pilots, the NASA workforce (including contractor employees working on NASA contracts), or high value equipment or property, and the hazards are not adequately addressed by Occupational Safety and Health Administration (OSHA) or Department of Transportation (DOT) regulations (if applicable).

(4) When the assessed risk and consequences of a failure to properly manage and control the hazard(s) warrants use of the clause.

(b) The clause prescribed in paragraph (a) of this section may be excluded, regardless of place of performance, when the contracting officer, with the approval of the installation official(s) responsible for matters of safety and occupational health, determines that the application of OSHA and DOT regulations constitutes adequate safety and occupational health protection.

(c) The contracting officer shall insert the provision at 1852.223-73, Safety and Health Plan, in solicitations containing the clause at 1852.223-70. This provision may be modified to identify specific information that is to be included in the plan. After receiving the concurrence of the center safety and occupational health official(s), the contracting officer shall include the plan in any resulting contract. Insert the provision with its Alternate I, in Invitations for Bid containing the clause at 1852.223-70.

(d) The contracting officer shall insert the clause at 1852.223-75, Major Breach of Safety or Security, in all solicitations and contracts with estimated values of \$500,000 or more, unless waived at a level above the contracting officer with the concurrence of the project manager and the installation official(s) responsible for matters of security, export control, safety, and occupational health. For other contracts, use of the clause is optional.

(e) For all solicitations and contracts exceeding the micro-purchase threshold that do not include the clause at 1852.223-70, Safety and Health, the contracting officer shall insert the clause at 1852.223-72, Safety and Health (Short Form).

### **Subpart 1823.71--Frequency Authorization**

#### **1823.7101 Contract clause.**

The contracting officer shall insert the clause at 1852.223-71, Frequency Authorization, in solicitations and contracts calling for developing, producing, constructing, testing, or operating a device for which a radio frequency authorization is required.

**1823.7102 Procedures.**

The contracting officer shall obtain the necessary frequency authorization and other procedural details from the installation's spectrum manager.

**PART 1851**  
**USE OF GOVERNMENT SOURCES BY CONTRACTORS**

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**PART 1851**  
**USE OF GOVERNMENT SOURCES BY CONTRACTORS**

**Subpart 1851.1--Contractor Use of Government Supply Sources**

**1851.102 Authorization to use Government supply sources.**

(e) The contracting officer shall use substantially the following format for letters authorizing contractor use of Government supply sources:

**SUBJECT:** Authorization to Lease, Rent, or Purchase from General Services Administration (GSA) Supply Sources

(Contractor's name) \_\_\_\_\_  
(Address) \_\_\_\_\_

(1) You are hereby authorized to act for the Government in the following matters:

(i) The acquisition of supplies and/or services under Contract No. \_\_\_\_ available for purchase by Government agencies either directly from GSA stock or under Federal Supply Schedules, including GSA nonmandatory ADTS/ADP schedule contracts and GSA ADP requirements contracts, subject to the limitations set forth in this authorization.

(ii) The leasing or rental of equipment for use on Contract No. \_\_\_\_ available for lease or rental by Government agencies under Federal Supply Schedules, including GSA nonmandatory ADTS/ADP schedule contracts and GSA ADP requirements contracts, subject to the limitations set forth in this authorization.

(iii) The issuance of tax exemption certificates in lieu of the payment of State or other taxes for which the Government is not liable on supplies or services purchased under this authorization.

(2)(i) Purchase orders under GSA schedules and contracts shall be placed in accordance with the terms and conditions of the GSA schedule or contract and this authorization. A copy of this



authorization shall be attached to the order (unless a copy was previously furnished to the GSA contractor) and shall contain the following statement:

“This order is placed on behalf of the National Aeronautics and Space Administration in furtherance of United States Government Contract No. \_\_\_\_\_, pursuant to written authorization dated \_\_\_\_\_, a copy of which (is attached) (you have on file). In the event of any inconsistency between the terms and conditions of this order and those of the applicable GSA schedule/contract, the latter will govern.”

(ii) Orders for items in the GSA Supply Catalog shall be placed in accordance with the Catalog and this authorization and shall include the address to which billings are to be sent. Bills are not issued by GSA until after shipment has been made and should therefore be paid promptly. Any necessary adjustments will be made by GSA subsequent to payment. All orders shall contain the following statement:

“This order is placed on behalf of the National Aeronautics and Space Administration in furtherance of United States Government Contract No. \_\_\_\_\_, pursuant to written authorization dated \_\_\_\_\_, a copy of which (is attached) (you have on file).”

(3) (Insert any other provisions and restrictions.)

(4) The authority hereby granted is not transferable or assignable.

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(Contracting Officer)

(e)(3) Contracting officers shall use NHB 4100.1, NASA Materials Inventory Management Manual, to obtain activity address codes to enable use of FEDSTRIP and MILSTRIP.

**1851.102-70 Contractor acquisition of filing cabinets.**

(a) The Contractor officer must approve any planned contractor acquisition of filing cabinets whose title will vest in the Government. The contracting officer shall ensure that the contractor takes the following actions before submitting a request for approval:

- (1) Transfer inactive records to contractor storage areas;
- (2) Dispose of unnecessary records in accordance with corporate procedures;
- (3) Use less expensive shelf filing methods; and
- (4) Take other actions to reduce the need for filing cabinets.

(b) If after taking the actions in paragraphs (a)(1) through (4) of this section, the contractor requires additional filing capacity, it shall submit for contracting officer approval a request to order filing cabinets. This request shall include a discussion of why sufficient additional filing capacity is necessary and shall address the results of the actions in paragraphs (a)(1) through (4) of this section. The contracting officer shall review the request in consultation with the Records Management Officer, the Property and Supply Officer, and the project officer, if appropriate.

(c) If the need for filing cabinets is approved, the contracting officer shall attempt to fill the need by providing any available excess items of the type required through appropriate property

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accountability channels. Approved requests that cannot be filled from excess shall be returned to the contractor with an authorization to obtain file cabinets, preferably through GSA.

**Subpart 1851.2--Contractor Use of Interagency Fleet Management System (IFMS)  
Vehicles**

**1851.202 Authorization.**

(a) In accordance with NPG 6200.1, "NASA Transportation and General Traffic Management", the contracting officer shall obtain concurrence from the Transportation Officer before authorizing a contractor to obtain Government-owned or -leased vehicles and related services.

**1851.205 Contract clause.**

When the clause at FAR 52.251-2 is included in a solicitation or contract, also include the clause set forth at 1852.223-76.

**PART 1852**  
**SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

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**PART 1852**  
**SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**1852.000 Scope of part.**

This part, in conjunction with FAR Part 52, (a) sets forth the provisions and clauses prescribed in the NFS, (b) gives instructions for their use, and (c) presents a matrix listing the provisions and clauses applicable to each principal contract type and/or purpose (e.g., fixed-price supply, cost-reimbursement research and development).

**Subpart 1852.1--Instructions for Using Provisions and Clauses**

**1852.101 Using Part 52.**

(b)(2)(i)(B) NASA contracting offices prescribing or developing clauses shall ensure that the requirements of Subpart 1801.3 are met.

(e)(1) The NFS matrix in Subpart 1852.3 is formatted similarly to that in the FAR. The first page of the NFS matrix contains a key to column headings, a dollar threshold chart, and requirement symbols. To fully determine the applicability of a provision or clause in the "required-when-applicable" and "optional" categories, Contracting Officers shall refer to the NFS text (cited in the matrix) that prescribes its use.

(4) The NFS matrix may be reproduced by field installations for the purpose of supplementing it with installation-developed provisions and clauses.

**1852.103 Identification of provisions and clauses.**

(b) Provisions and clauses prescribed by a field installation to satisfy its needs shall be identified as stated in paragraphs (b)(i) and (ii) of this section. Articles, formats, and similar language shall be treated as provisions and clauses for purposes of this section 1852.103.

(i) A provision or clause shall be numbered using a prefix, a base, and a suffix. The prefix shall be an alphabetical abbreviation of the installation name (e.g., ARC, DFRC, GRC, GSFC,



(2) The Contractor's program shall further prohibit any such individual from working in a sensitive position on a NASA contract, unless such individual has completed a program of rehabilitation described in paragraph (d) of this clause.

(3) The Contractor's program shall further prohibit any such individual from working in any sensitive position on a NASA contract if the individual is determined under the Contractor's program to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance and the individual meets any of the following criteria:

(i) The individual had undertaken or completed a rehabilitation program described in paragraph (d) of this clause prior to such use;

(ii) Following such determination, the individual refuses to undertake such a rehabilitation program;

(iii) Following such determination, the individual fails to complete such a rehabilitation program; or

(iv) The individual used a controlled substance or alcohol while on duty.

(d) The Contractor shall institute and maintain an appropriate rehabilitation program which shall, as a minimum, provide for the identification and opportunity for treatment of employees whose duties include responsibility for safety-sensitive, security, or National security functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

(e) The requirements of this clause shall take precedence over any state or local Government laws, rules, regulations, ordinances, standards, or orders that are inconsistent with the requirements of this clause.

(f) For any collective bargaining agreement, the Contractor will negotiate the terms of its program with employee representatives, as appropriate, under labor relations laws or negotiated agreements. Such negotiation, however, cannot change the requirements of this clause. Employees covered under collective bargaining agreements will not be subject to the requirements of this clause until those agreements have been modified, as necessary; provided, however, that if one year after commencement of negotiation the parties have failed to reach agreement, an impasse will be determined to have been reached and the Contractor will unilaterally implement the requirements of this clause.

(g) The Contractor shall insert a clause containing all the terms of this clause, including this paragraph (g), in all subcontracts in which work is performed by an employee in a sensitive position, except subcontracts for commercial items (see FAR Parts 2 and 12).

**(End of clause)**

### **1852.223-75 Major Breach of Safety or Security.**

As prescribed in 1823.7001(d), insert the following clause:

#### **MAJOR BREACH OF SAFETY OR SECURITY (FEBRUARY 2002)**

(a) Safety is the freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment. Safety is essential to NASA and is a material part of this contract. NASA's safety priority is to protect:

(1) the public; (2) astronauts and pilots; (3) the NASA workforce (including contractor employees working on NASA contracts); and (4) high-value equipment and property. A major breach of safety may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination

for default. A major breach of safety must be related directly to the work on the contract. A major breach of safety is an act or omission of the Contractor that consists of an accident, incident, or exposure resulting in a fatality or mission failure; or in damage to equipment or property equal to or greater than \$1 million; or in any "willful" or "repeat" violation cited by the Occupational Safety and Health Administration (OSHA) or by a state agency operating under an OSHA approved plan.

(b) Security is the condition of safeguarding against espionage, sabotage, crime (including computer crime), or attack. A major breach of security may constitute a breach of contract that entitles the Government to exercise any of its rights and remedies applicable to material parts of this contract, including termination for default. A major breach of security may occur on or off Government installations, but must be related directly to the work on the contract. A major breach of security is an act or omission by the Contractor that results in compromise of classified information, illegal technology transfer, workplace violence resulting in criminal conviction, sabotage, compromise or denial of information technology services, equipment or property damage from vandalism greater than \$250,000, or theft greater than \$250,000.

(c) In the event of a major breach of safety or security, the Contractor shall report the breach to the Contracting Officer. If directed by the Contracting Officer, the Contractor shall conduct its own investigation and report the results to the Government. The Contractor shall cooperate with the Government investigation, if conducted.

**(End of clause)**

**1852.223-76 Federal Automotive Statistical Tool Reporting.**

As prescribed at 1823.271 and 1851.205, insert the following clause:

**FEDERAL AUTOMOTIVE STATISTICAL TOOL REPORTING  
(JULY 2003)**

If authorized to operate Government-owned or –leased vehicles, including interagency fleet management system (IFMS) vehicles or related services in performance of this contract, the Contractor shall report the data describing vehicle usage required by the Federal Automotive Statistical Tool (FAST) by October 15 of each year. FAST is accessed through <http://fastweb.inel.gov/>.

**(End of clause)**

**1852.225-8 Duty-Free Entry of Space Articles.**

As prescribed in 1825.1101(e), add the following paragraph (k) to the basic clause at FAR 52.225-8:

(k) The following supplies will be given duty-free entry:

[Insert the supplies that are to be accorded duty-free entry.]

**(End of addition)**

**1852.225-70 Export Licenses.**

As prescribed in 1825.1103-70(b), insert the following clause:

**EXPORT LICENSES  
(FEBRUARY 2000)**

(a) The Contractor shall comply with all U.S. export control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130, and the

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Export Administration Regulations (EAR), 15 CFR Parts 730 through 799, in the performance of this contract. In the absence of available license exemptions/exceptions, the Contractor shall be

responsible for obtaining the appropriate licenses or other approvals, if required, for exports of hardware, technical data, and software, or for the provision of technical assistance.

(b) The Contractor shall be responsible for obtaining export licenses, if required, before utilizing foreign persons in the performance of this contract, including instances where the work is to be performed on-site at [*insert name of NASA installation*], where the foreign person will have access to export-controlled technical data or software.

(c) The Contractor shall be responsible for all regulatory record keeping requirements associated with the use of licenses and license exemptions/exceptions.

(d) The Contractor shall be responsible for ensuring that the provisions of this clause apply to its subcontractors.

**(End of clause)**

**ALTERNATE I  
(FEBRUARY 2000)**

As prescribed in 1825.1103-70(b), add the following paragraph (e) as Alternate I to the clause:

(e) The Contractor may request, in writing, that the Contracting Officer authorize it to export ITAR-controlled technical data (including software) pursuant to the exemption at 22 CFR 125.4(b)(3). The Contracting Officer or designated representative may authorize or direct the use of the exemption where the data does not disclose details of the design, development, production, or manufacture of any defense article.

